DEPARTMENT OF PUBLIC WORKS
BUREAU OF SANITATION
BOARD REPORT NO. 1
November 15, 2013

CD: ALL

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE MAYOR
NOV 15 2013

Executive Officer

AUTHORITY TO EXECUTE SIX MEMORANDA OF UNDERSTANDING WITH MULTIPLE PUBLIC AGENCIES REGARDING THE COST SHARING OF THE DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAMS REQUIRED BY THE NEW NPDES PERMIT FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

RECOMMENDATIONS

1. Approve and forward this report with transmittals to the Mayor, requesting approval of proposed six (6) Memoranda of Understanding (MOUs) between the City of Los Angeles and multiple public agencies for the cost sharing of the development of Enhanced Watershed Management Programs as required by the new NPDES Permit for the Municipal Separate Storm Sewer System.

2. Request the Mayor to authorize the President or two members of the Board of Public Works to execute six (6) MOUs as stated in Recommendation #1.

3. Notify the Bureau of Sanitation, Watershed Protection Division [Hubertus Cox, (213) 485-3984] when the MOUs are ready to be executed by your Board, whereupon two (2) original documents for each public agency for each MOU will be delivered to the Secretary of the Board for execution.

4. Upon execution, request the City Clerk to attest and certify the original copies of each MOU. The City Clerk and the Board of Public Works each are to retain an original copy of each MOU, and the remaining original copies are to be returned to the Bureau of Sanitation, Watershed Protection Division [contact Hubertus Cox for pick up at (213) 485-3984].

FISCAL IMPACT STATEMENT

There will be no impact on the General Fund. Five (5) of the six (6) MOUs will reimburse the Stormwater Pollution Abatement Fund for developing Enhanced Watershed Management Programs for the Upper Los Angeles River, Ballona Creek, Santa Monica Bay, and Dominguez Channel watersheds. The City of Los Angeles cost share of the MOU for the Marina del Rey watershed will be funded by the Stormwater Pollution Abatement Fund.

TRANSMITTALS

1. Copy of MOU with 17 agencies in the Upper Los Angeles River watershed.
2. Copy of MOU with 8 agencies in the Ballona Creek watershed.
3. Copy of MOU with 5 agencies in Jurisdictional Groups 2 and 3 of the Santa Monica Bay watershed.
4. Copy of MOU with Los Angeles County Flood Control District in Jurisdictional Group 7 of the Santa Monica Bay watershed.
5. Copy of MOU with 6 agencies in the Dominguez Channel watershed.
6. Copy of MOU with 4 agencies in the Marina del Rey watershed.

DISCUSSION

Background

The National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (NPDES MS4 Permit) Order No. R4-2012-0175 establishes the waste discharge requirements for stormwater and non-stormwater discharges within the watersheds of Los Angeles County. This NPDES MS4 Permit was adopted by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), on November 8, 2012, and became effective on December 28, 2012. The permittees are the City of Los Angeles (City), the County of Los Angeles, Los Angeles County Flood Control District, and 83 other cities within the County of Los Angeles. The current NPDES MS4 Permit is the last of four consecutive permits (issued in 1990, 1996, 2001, and 2012) and contains the most stringent provisions to date as it establishes numeric water quality limits for receiving waters in Los Angeles County and effluent limitations for discharges of stormwater and urban runoff from the MS4. The new NPDES MS4 Permit includes increased permittee responsibilities for inspections, land development, and monitoring, and it requires that permittees comply with all Total Maximum Daily Load (TMDL) water quality regulations. To date, the City is subject to 22 TMDLs that address multiple water quality impairments in Los Angeles River, Ballona Creek, the Santa Monica Bay shoreline, Dominguez Channel and several lakes within the City.

The NPDES MS4 Permit includes provisions for the development and implementation of Enhanced Watershed Management Programs (EWMPs) that allow permittees to customize their stormwater programs to achieve compliance with permit requirements, including the TMDL water quality regulations and other Clean Water Act mandates. The development of an EWMP encompasses the prioritization of water-quality issues, the identification of implementation strategies, control measures, and Best Management Practices (BMPs) to meet water quality standards and other MS4 permit requirements, integrated water quality monitoring, and a process for stakeholder input.

The EWMPs also allow MS4 permittees to address water quality issues more effectively through interagency collaboration on a watershed-wide basis. The City is located in four major watersheds: the Santa Monica Bay, Los Angeles River, Ballona Creek, and the Dominguez Channel watersheds. Since the adoption of the new NPDES MS4 Permit, the City through the Watershed Protection Division (WPD) of the Bureau of Sanitation (BOS) has conducted negotiations with other MS4 permittees in the City's four watersheds for collaborative approaches to the development of the EWMPs. Accordingly, four Watershed Management Groups (WMGs) have been established, consisting of the City, the County of Los Angeles, Los Angeles County Flood Control District and many of the municipalities that are located within the City's four watersheds. As the largest municipality and lead agency in each WMG, the City has retained the services of a consultant team from the Pre-Qualified On-Call Wastewater, Stormwater, and Solid Resources Consultant List to coordinate the development of the EWMPs on behalf of itself and on behalf of the MS4 permittees that have elected to collaborate with the City.

In addition to the EWMPs for the City's four watersheds, the City is also required to participate in the development of an EWMP for the Marina del Rey Harbor subwatershed. The development of this EWMP will be coordinated by the County of Los Angeles who has retained the services of a consultant. The City is required to share the cost of developing the Marina del Rey Harbor EWMP and reimburse the County of Los Angeles for its proportional share.

Purpose of the MOUs

The purpose of the MOUs is to stipulate the responsibilities of the agencies. For the EWMPs for the Upper Los Angeles River (Transmittal 1), Ballona Creek (Transmittal 2), Santa Monica Bay (Transmittals 3 and 4), and Dominguez Channel (Transmittal 5) watersheds, the City will coordinate plan development, administer the consultant contracts, and submit the EWMP planning documents to the LARWQCB. All participating agencies have agreed that the City will retain the services of a consultant for developing the EWMPs, and they have agreed to pay the City their proportional share of the cost. Cost sharing is based on the land area of each participating agency as percentage of the total watershed area. For the Marina del Harbor EWMP (Transmittal 6), the City will be required to pay its proportional cost share to the County of Los Angeles as the lead agency of this subwatershed. All agreements will expire on June 30, 2016.

Total costs for EWMP development and cost-sharing by WMG is summarized in the following table:

Watershed Management Group	Lead agency	Total MOU cost	Reimburse-ment to City	City cost
Upper Los Angeles River	City of Los Angeles	$1,582,345	$740,415	-
Ballona Creek	City of Los Angeles	$1,356,590	$340,654	-
Santa Monica Bay - Jurisdictional Groups 2 & 3 - Jurisdictional Group 7	City of Los Angeles	$945,000 $52,500	$306,954 $5,250	- -
Dominguez Channel	City of Los Angeles	$1,468,544	$770,059	-
Marina del Rey Harbor	County of Los Angeles	$438,422	-	$272,260
Total		**$5,843,401**	**$2,163,332**	**$272,260**

The City, as the lead agency for five of the Watershed Management Groups will receive $2,163,332 reimbursement from other agencies for the preparation of EWMPs for these five Watershed Management Groups. The City's share of the cost for these five EWMPs is $3,680,069 and this funding was authorized in an adopted board report titled "Authority to Issue a Notice of Award to Black & Veatch Corporation (Contract No. C-1145269), MWH Americas, Inc. (Contract No. C-114282), and HDR Engineering, Inc. (Contract No. C-114266) for Development of Enhanced Watershed Management Programs in Response to TOS-S55" on October 11, 2013.

The City, as a member of the Marina Del Rey Harbor Wasteshed Management Group, will reimburse County of Los Angeles $272,260 for the EWMP services provided by the County of Los Angeles.

Approval as to Form

The MOA has been reviewed by the City Attorney's Office and has been approved as to form.

STATUS OF FINANCING

Funds in the amount of $272,260 are available in The Stormwater Pollution Abatement Fund No. 511, Account 50J554 for reimbursement to County of Los Angeles for the Marina del rey Harbor EWMP (Transmittal 6).

Respectfully submitted,

ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

Approved as to funds:

VICTORIA A. SANTIAGO, Director
Office of Accounting

Report prepared by:
Hubertus Cox
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